

IV. Rejections under 35 U.S.C. § 251

The Examiner has rejected claims 1, 3-42, 44-47, and 49-95 based on a defective Declaration under 35 U.S.C. § 251. The Examiner states that the Declaration fails to identify at least one error which is relied upon to support the reissue application.

In response, Applicants have executed a new Declaration reciting, in new paragraph 7, the at least one error and the specific corrective action. Particularly, new paragraph 7 recites:

That at least one error being relied upon is that we inadvertently claimed more than we had a right to claim, with respect to independent claims 1 and 38 only. Claims 1 and 38 are rendered inoperative in light of the teachings of European Patent Application 0 283 064 A1. However, the '064 European patent application neither teaches nor suggests the subject matter of dependent claims 2, 3 or 6. The corresponding corrective action is that the subject matter of one of these dependent claims has been incorporated into the amended independent claims 1 and 38. Specifically, the element "wherein said sheet has a score extending a predetermined distance from said one of said first end and said second end toward the other one of said one of said first end and said second end" has been added to claim 1 and the element "wherein said first end includes a tab portion extending therefrom, thereby forming a new first end" has been added to claim 38.


Applicants respectfully submit that the added statement corrects the defects in the Declaration and copies of the newly executed Declaration are attached herewith as Appendix B. Applicants respectfully request that the rejection of claims 1, 3-42, 44-47, and 49-95 be withdrawn and the application passed to issue.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: March 10, 2005

Respectfully submitted,

By 

Louis J. DeLuca

Registration No.: 47,522

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Attorneys/Agents For Applicant

Return of this card properly stamped, will acknowledge receipt
of: INFORMATION DISCLOSURE STATEMENT; PTO
FORM 1449 (3 refs)

Applicant : Paul A. Brown et al.
Serial No. : 10/002,950
Filed: : October 31, 2001
For : **REMOVABLY REPLACEABLE,
READHERABLE LABEL**

Attorney : Louis J. DeJuidice:rek
File No. : 0632/0B368-US1

Mailed : 8/26/02 Mailed: 

EW186684965W

EXPRESS MAIL CERTIFICATE

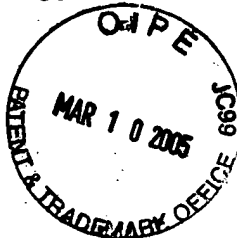
Date 8-26-02 Label No. EW186684965-W

I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Assistant Commissioner for Patents, Washington, DC 20231 by "Express Mail Post Office to Addressee" service.

Jessica Regis
Name (Print)

Signature [Signature]

PLEASE CHARGE ANY DEFICIENCY UP TO \$300.00 OR
CREDIT ANY EXCESS IN THE FEES DUE WITH THIS
DOCUMENT TO OUR DEPOSIT ACCOUNT NO. 04-0100



Customer No.



Docket No.: 0632/0B368-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Paul A. Brown et al.

Serial No.: 10/002,950

Group Art Unit: T.B.A.

Filed: October 31, 2001

Examiner: . T.B.A.

Confirmation No.: 5458

For: **REMOVABLY REPLACEABLE, READHERABLE LABEL**

August 22, 2002

INFORMATION DISCLOSURE STATEMENT

Hon. Commissioner of
Patents and Trademarks
Washington, DC 20231

Sir:

In order to comply with 37 CFR 1.97 and 1.98, attached hereto is a copy of Form

PTO-1449¹ and copies of the documents listed thereon.

In accordance with MPEP Sections 609 and 707.05(b), it is requested that each document cited (including any cited in applicant's specification which is not repeated on the attached Form PTO-1449) be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing Form PTO-1449 next to the document. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

The present Information Disclosure Statement is being submitted in compliance with 37 CFR 1.56, but the citation of such document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner, in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 CFR 1.104(a) and 1.106(b) and, in the course of each search, will review for relevance every document cited on the attached form even if not initialed.

It is believed that no fee is due. However, if the Commissioner determines that a

¹To the extent that a document is listed and no copy of same is attached, then such document is not at the present time available to the undersigned or is available in the file of a parent application. If a listed document is not in the English language and an English translation is readily available, such translation is also attached; if translation is not attached it is not readily available to the undersigned. If a foreign language patent document is cited, and an English language equivalent is known to the undersigned, then such equivalent patent is also cited on the attached form along with the corresponding foreign language patent and a connecting arrow indicated therebetween; if no such English language equivalent is cited, then none is known to the undersigned.

fee is due, the Commissioner is hereby authorized to charge the above deposit account for any deficiency to Deposit Account No. 04-0100.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,



Louis J. DelJuidice
Registration No. 47,552
Agent for Applicant(s)

DARBY & DARBY
805 Third Avenue
New York, NY 10022
(212) 527-7700

M:\0632\0B368\REK8058.WPD

8. That the errors which render the Letters Patent No. 5,704,648 partially inoperative arose through inadvertence, accident or mistake and without any fraudulent or deceptive intention on our part;

9. That at the time the original claims were drafted and throughout the prosecution of the application for the Letters Patent No. 5,704,648, it was our intention and that of our assignee to claim my invention only as broadly and as specifically as permitted by the prior art;

10. That we believe that we and our assignee had no intention of accepting Letters Patent having claims incommensurate with the true scope of our invention and that the acceptance thereof without commensurate claim coverage was wholly inadvertent;

11. That these errors in the claims of the Letters Patent No. 5,704,648 resulted from our, our Attorney's and the Patent Examiner's failure to appreciate the true scope of European Patent Application No. 0 283 064 A1, published on September 21, 1988;

12. That all errors being corrected in this Reissue Application arose without any deceptive intention on the part of the Applicants;

13. That we acknowledge the duty to disclose information we are aware of which is material to the examination of the above-identified application in accordance with 37 C.F.R. § 1.56(a);


14. As the named inventors, we hereby appoint the following attorney(s) and/or agents(s) to prosecute this application and transact all business in the Patent and Trademark office

{W:\00632\000b368us1\00375677.DOC 10000000000000000000 }

connected therewith: S. Peter Ludwig #25,351, Paul Fields #20,298, Marc S. Gross #19,614, Melvin C. Garner #26,272, Adda C. Gogoris #29,714, Peter C. Schechter #31,662, Robert Schaffer #31,194, Robert C. Sullivan, Jr., #30,499, Joseph R. Robinson #33,448, Scott G. Lindvall #40,325, Paul F. Fehlner, Ph.D. #35,135, David Leason #36,195, Louis J. DelJuidice, #47,522.

15. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

DATED: March 4th 2005



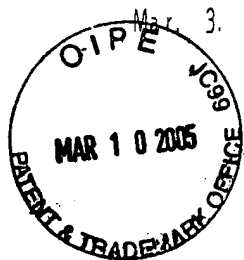
Paul A. Brown

DATED: _____

Craig O. Norvell

DATED: _____

Leroy A. Jorgensen



Mar. 3. 2005 9:05AM

No. 0125 P. 2

Docket No.: 00632/000B368-US1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Paul A. Brown et al.

Application No.: 10/002,950

Confirmation No.: 5458

Filed: October 31, 2001

Art Unit: 3722

For: REMOVABLY REPLACEABLE,
READHERABLE LABEL (REISSUE OF U.S.
PATENT NO. 5,704,648)

Examiner: Willmon Fridie, Jr.

REISSUE DECLARATION PURSUANT TO 37 CFR §§ 1.63 AND 1.175

Hon. Commissioner of
Patents and Trademarks
Washington, DC 20231

Sir:

We, Paul A. Brown, Craig O. Norvell, Leroy A. Jorgensen, declare:

1. That we are citizens of the U.S.A. and residents of Hilversum, The Netherlands, Oakland, California and Humboldt, Iowa, respectively;

2. That we believe ourselves to be the inventors of the invention claimed in Letters Patent No. 5,704,648 and the above-mentioned Reissue application filed concurrently herewith;

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3. That we have reviewed and understand the contents of the specification and claims of the above-mentioned application;

4. That we believe ourselves to be the original and first inventors of the subject matter which is claimed in the above-mentioned application and for which a patent is sought;

5. That we have assigned to, and were under a contractual obligation at the time our invention was made to assign to, American Home Products Corporation, subject matter which is claimed in Letters Patent No. 5,704,648 and the above-identified Reissue application for which a Reissue Patent is sought;

6. That we believe the Letters Patent No. 5,704,648 to be partly inoperative by reason that we claimed more than we have right to claim in the claims;

7. That at least one error being relied upon is that we inadvertently claimed more than we had a right to claim, with respect to independent claims 1 and 38 only. Claims 1 and 38 are rendered inoperative in light of the teachings of European Patent Application 0 283 064 A1. However, the '064 European patent application neither teaches nor suggests the subject matter of dependent claims 2, 3 or 6. The corresponding corrective action is that the subject matter of one of these dependent claims has been incorporated into the amended independent claims 1 and 38. Specifically, the element "wherein said sheet has a score extending a predetermined distance from said one of said first end and said second end toward the other one of said one of said first end and said second end" has been added to claim 1 and the element "wherein said first end includes a tab portion extending therefrom, thereby forming a new first end" has been added to claim 38.

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8. That the errors which render the Letters Patent No. 5,704,648 partially inoperative arose through inadvertence, accident or mistake and without any fraudulent or deceptive intention on our part;

9. That at the time the original claims were drafted and throughout the prosecution of the application for the Letters Patent No. 5,704,648, it was our intention and that of our assignee to claim my invention only as broadly and as specifically as permitted by the prior art;

10. That we believe that we and our assignee had no intention of accepting Letters Patent having claims incommensurate with the true scope of our invention and that the acceptance thereof without commensurate claim coverage was wholly inadvertent;

11. That these errors in the claims of the Letters Patent No. 5,704,648 resulted from our, our Attorney's and the Patent Examiner's failure to appreciate the true scope of European Patent Application No. 0 283 064 A1, published on September 21, 1988;

12. That all errors being corrected in this Reissue Application arose without any deceptive intention on the part of the Applicants;

13. That we acknowledge the duty to disclose information we are aware of which is material to the examination of the above-identified application in accordance with 37 C.F.R. § 1.56(a);

14. As the named inventors, we hereby appoint the following attorney(s) and/or agents(s) to prosecute this application and transact all business in the Patent and Trademark office

{W:\00632\000b368us1\00375677.DOC [REDACTED] }



connected therewith: S. Peter Ludwig #25,351, Paul Fields #20,298, Marc S. Gross #19,614, Melvin C. Garner #26,272, Adda C. Gogoris #29,714, Peter C. Schechter #31,662, Robert Schaffer #31,194, Robert C. Sullivan, Jr., #30,499, Joseph R. Robinson #33,448, Scott G. Lindvall #40,325, Paul F. Fehlner, Ph.D. #35,135, David Leason #36,195, Louis J. DelJuidice, #47,522.

15. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

DATED: _____

Paul A. Brown

DATED: 7/3/05

Craig O. Norvell

DATED: _____

Leroy A. Jorgensen

connected therewith: S. Peter Ludwig #25,351, Paul Fields #20,298, Marc S. Gross #19,614, Melvin C. Garner #26,272, Adda C. Gogoris #29,714, Peter C. Schechter #31,662, Robert Schaffer #31,194, Robert C. Sullivan, Jr., #30,499, Joseph R. Robinson #33,448, Scott G. Lindvall #40,325, Paul F. Fehlner, Ph.D. #35,135, David Leason #36,195, Louis J. DelJuidice, #47,522.

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DATED: _____

Paul A. Brown

DATED: _____

Craig O. Norvell

DATED: 3 MAR. 05

Leroy A. Jorgensen
Leroy A. Jorgensen